

## **CLAIM AMENDMENTS**

This **listing of claims** will replace all prior versions, and listings, of claims in the application:

1. **(Previously Presented)** A computer implemented method of using a web-site for reducing excess capacity during non-peak demand periods for a restaurant that experiences periods of peak demand and periods of non-peak demand, the method comprising the steps of:

providing a computer-implemented processing system comprising a plurality of modules;

providing an auction posting module for enabling one or more restaurants to post on the web-site dining incentives for auction, the dining incentives comprising a first dining incentive having restrictions comprising valid dates and times for use of the first dining incentive, the restrictions corresponding to a non-peak demand period of a restaurant offering the first dining incentive to reduce excess capacity of that restaurant during the non-peak demand period;

providing an auction display module for displaying options to enable users to place bids on dining incentives, including the first dining incentive, for auction or to purchase the dining incentives at fixed prices independent of the auctions without participating in the auctions;

processing a request for a fixed price purchase of the first dining incentive responsive to receipt of a request from a purchaser for a fixed price purchase of the first dining incentive;

processing auction bids, at the conclusion of auctions, to determine auction winners for auctioned dining incentives such that responsive to conclusion of an auction of the first dining incentive an auction winner for the first dining incentive is determined; and

providing the first dining incentive to the purchaser or the auction winner, wherein the first dining incentive is redeemable for service from the restaurant offering the first dining incentive during the non-peak demand period for a discount from a

predetermined price, subject to the restrictions, and non-winners and non-purchasers pay the predetermined price without the discount during the non-peak demand period.

2. **(Previously Presented)** The computer implemented method of claim 1 wherein the one or more restaurants set minimum bids for the incentives for dining that they offer for auction.

3. **(Previously Presented)** The computer implemented method of claim 1 wherein the one or more restaurants are a plurality of restaurants.

4. **(Previously Presented)** The computer implemented method of claim 1 wherein the step of displaying options to enable users to place bids on dining incentives for auction or to purchase the dining incentives at fixed prices without participating in the auction includes a registration process where each of the one or more users provides identification, demographic and service preference information.

5. **(Previously Presented)** The computer implemented method of claim 1 wherein the step of enabling one or more restaurants to post dining incentives for auction includes a registration process where the restaurants provide at least one or more of a restaurant description, meal description or facilities description.

6. **(Previously Presented)** The computer implemented method of claim 1 wherein a user can search for one or more auctions of interest by one or more of a restaurant name, cuisine type, location, specified time, or meal.

7. **(Previously Presented)** The computer implemented method of claim 1 wherein placing a bid on the first dining incentive includes placing a quantity of the first dining incentive amount and a bid amount.

8. **(Previously Presented)** The computer implemented method of claim 1 wherein placing a bid on the first dining incentive includes an auto-bid feature where a

user submits a maximum bid amount and a bid increment amount where the bids are automatically incremented to the maximum amount as necessary.

9. **(Previously Presented)** The computer implemented method of claim 1 wherein the one or more restaurants specify the fixed prices for which a user can buy one of the dining incentives without participating in the corresponding auction.

10. **(Previously Presented)** The computer implemented method of claim 1 wherein a user can create a personalized auction page where the user creates an auction list comprising a list of one or more auctions of interest and monitors the one or more auctions of interest on the auction list.

11-13. **(Cancelled)**

14. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of enabling the one or more restaurants to display an advertisement for an auction at a premium space.

15. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of displaying a list of current auctions and enabling a user to participate in a current auction.

16. **(Previously Presented)** The computer implemented method of claim 1 wherein the one or more restaurants and a restaurant guide enables a user to search for one or more restaurants of interest by one or more of cuisine type, location, and price range.

17-22. **(Cancelled)**

23. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of enabling the one or more restaurants to track and monitor current bids on the one or more items posted by the one or more restaurants.

24. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of enabling the one or more restaurants to set an auction schedule where a designates a specified number of items to be auctioned at a specified time period.

25. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of enabling the one or more restaurants to create a survey for users to complete where users provide one or more of demographic, identification, and service preference information and where the information is used for targeted marketing and promotions.

26. **(Previously Presented)** The computer implemented method of claim 1 wherein bidding data and user information are aggregated and provided to the one or more restaurants to be used for at least one of: targeted marketing or promotions.

27. **(Previously Presented)** The computer implemented method of claim 26 wherein the user information includes sales history data.

28. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of enabling users to specify a preferred mode of information delivery from the one or more restaurants including one or more of email, a display at a personalized page on the web-site, and regular mail.

29. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of providing an account module where the one or more restaurants can monitor a number and type of items sold along with its account status with the web-site.

30. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of providing the one or more restaurants with a summary page outlining results of an auction for one or more items posted by the one or more restaurants.

31. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of receiving from the one or more restaurants a report indicating which winners redeemed auctioned items and which of the one or more purchasers redeemed purchased items.

32. **(Previously Presented)** The computer implemented method of claim 1 further comprising the step of enabling the winner and the one or more purchasers to download the item for redemption from the web-site or via electronic mail.

33. **(Previously Presented)** The computer implemented method of claim 1 wherein the winner pays for the item at the time of redemption and any amount over the value of the item.

34-132. **(Cancelled)**

133. **(Previously Presented)** A computer implemented method of using a web site for reducing excess capacity during non-peak demand periods for restaurants that experience periods of peak demands and periods of non-peak demands for a service that is offered at a predetermined price, the method comprising the steps of:

providing a computer-implemented processing system comprising a plurality of modules;

providing an auction posting module for enabling one or more of the restaurants to post on the web site a listing of at least one discounted gift certificate being offered for sale, including restrictions comprising valid dates and times for use of the at least one discounted gift certificate, the restrictions corresponding to a non-peak demand

period of a restaurant to reduce excess capacity of that restaurant during the non-peak demand period; and

providing an auction display module for displaying options to enable users to place a bid on the at least one discounted gift certificate for auction and being determined a winner, or to purchase the one or more discounted gift certificates at a fixed price independent of the auction via an instant purchase feature without participating in the auction; and

providing the at least one discounted gift certificate to a purchaser or the auction winner, wherein the discounted gift certificates are redeemable for the service from a corresponding one of the one or more restaurants during the non-peak demand period for a discount from the predetermined price, subject to the restrictions.

134. **(Previously Presented)** The method of claim 133 wherein the one or more restaurants set a minimum bid for the one or more discounted gift certificates for auction.

135. **(Cancelled)**

136. **(Previously Presented)** The method of claim 133 wherein the web site includes an auction display feature, the auction display comprising one or more of a name of the restaurant, a description of the at least one discounted gift certificate, including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

137. **(Previously Presented)** The method of claim 133 wherein the web site includes a certificate display feature, the display comprising one or more of a restaurant name, a description of the at least one discounted gift certificate, a status of any auction for the gift certificate, and, an indication that the instant purchase feature is available and the fixed price.

138. **(Previously Presented)** The method of claim 133 wherein the web site includes an auction display feature, the auction display comprising a restaurant name, a description of the at least one discounted gift certificate, including a period of validity and value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

139. **(Previously Presented)** The method of claim 133 wherein a single restaurant may simultaneously offer multiple gift certificates, and the web site includes an auction display feature, the auction display comprising one or more of a restaurant name, a number of gift certificates available, a description of the gift certificates, including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

140. **(Previously Presented)** The method of claim 133 wherein a single restaurant may simultaneously offer multiple gift certificates, and the web site includes an auction display feature, the auction display comprising a restaurant name, a number of certificates available from the restaurant, a description of the gift certificates, including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

141. **(Previously Presented)** The method of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, the web site includes an auction display feature, the auction display comprising restaurant names, and for each restaurant, one or more of a description of gift certificates for each restaurant, including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

142. **(Previously Presented)** The method of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, the web site includes an auction display feature, the auction display comprising names of the more than one restaurant, and for each restaurant, a description of the gift certificates being offered ,

including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

143. **(Previously Presented)** The method of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, where each of the more than one restaurant may simultaneously offer multiple gift certificates, and the web site includes an auction display feature, the auction display comprising names of the more than one restaurant, and for each gift certificate, a number of gift certificates available, a description of the gift certificates, including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

144. **(Previously Presented)** The method of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, where each restaurant may simultaneously offer multiple gift certificates, and the web site includes an auction display feature, the auction display comprising a restaurant name, and for each gift certificate, a number of gift certificates available, a description of the gift certificates, including a period of validity and a value, any minimum bid requirement, and a status of the auction, including a current bid and a time left for bidding.

145. **(Previously Presented)** The method of claim 133 wherein the user must register with the web site prior to bidding on or purchasing a gift certificate.

146. **(Previously Presented)** The method of claim 133 wherein the user must register with the web site prior to bidding on or purchasing a gift certificate and provide identification information.

147. **(Previously Presented)** The method of claim 133 wherein the user must register with the web site prior to bidding on or purchasing a gift certificate and provide demographic information.

148. **(Previously Presented)** The method of claim 133 wherein the user must register with the web site prior to bidding on or purchasing a gift certificate and provide identification and demographic information.

149. **(Previously Presented)** The method of claim 133 wherein the web site includes a restaurant search module.

150. **(Previously Presented)** The method of claim 133 wherein the web site includes a restaurant search module including an interactive restaurant guide.

151. **(Previously Presented)** The method of claim 133 wherein the web site includes a restaurant search module, the search module enabling a user to search for a restaurant by desired cuisine, zip code or other geographic area parameters or other search parameters.

152. **(Previously Presented)** The method of claim 133 wherein the web site includes a restaurant listing module, wherein the listing module provides a listing of restaurants by cuisine type, zip code or geographic area parameters or other listing parameters.

153-156. **(Cancelled)**